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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/631,935 | 07/31/2003 | Yasuhiro Tamekuni | B208-889 DIV | 9639 |

26272 7590 11/20/2006

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EXAMINER

SHAPIRO, LEONID

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2629

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/631,935 | | TAMEKUNI ET AL. | |
| | Examiner | | Art Unit | |
| | Leonid Shapiro | | 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19,20,22-25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-20,22-25,27-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 19-20,22-25,27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada (US Patent No. 5,640,171) in view of Takebe (JP 04-314221 A) and Yokoi et al. (US Patent no. 5,864,346).

As to claim 19, Shimada teaches a display apparatus (See Col. 1, Lines 6-9) comprising:

a display unit adapted to display an image (see Fig. 2, items 10R, 10L, Col. 3, Lines 48-60); and

wherein said display unit displays said image as being switched by mode signal from 3D to 2D mode (See Fig. 1, items 2, 4, Fig. 3, items 3-4, Col. 4, Lines 30-67).

Shimada does not disclose a detection unit adapted to detect whether a predetermined time is passed to switch mode from 3D to 2D and a time setting unit adapted to set a time for switching said display unit from a three dimensional display to a two dimensional display.

Takebe teaches a detecting unit adapted to detect whether a predetermined time is passed (See Constitution).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Takebe into Shimada system to switch mode after predetermined time passed in order to save power (See Purpose in the Takebe reference).

Shimada and Takebe do not disclose the time to be set by said time setting unit can be changed by a user.

Yokoi et al. teaches a time setting unit adapted to set predetermined time by manual operation (See Fig. 5, items 2221, 2224, from Col. 5, Line 64 to Col. 6, Line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Yokoi et al. into Takebe and Shimada system to switch mode after predetermined time passed in order to prevent user from getting excessively fatigued (See Col. 1, Lines 45-48 in the Yokoi reference).

As to claim 24, Shimada teaches a method for a display unit (See Col. 1, Lines 6-9) adapted to display an image (see Fig. 2, items 10R, 10L, Col. 3, Lines 48-60); and displaying said image as being switched by mode signal from 3D to 2D mode (See Fig. 1, items 2, 4, Fig. 3, items 3-4, Col. 4, Lines 30-67).

Shimada does not disclose a detection unit adapted to detect whether a predetermined time is passed to switch mode from 3D to 2D and a time setting unit adapted to set a time for switching said display unit from a three dimensional display to a two dimensional display.

Takebe teaches a detecting unit adapted to detect whether a predetermined time is passed (See Constitution).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Takebe into Shimada system to switch mode after predetermined time passed in order to save power (See Purpose in the Takebe reference).

Shimada and Takebe do not disclose the time to be set by said time setting unit can be changed by a user.

Yokoi et al. teaches a time setting unit adapted to set predetermined time by manual operation (See Fig. 5, items 2221, 2224, from Col. 5, Line 64 to Col. 6, Line 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teaching of Yokoi et al. into Takebe and Shimada system to switch mode after predetermined time passed in order to prevent user from getting excessively fatigued (See Col. 1, Lines 45-48 in the Yokoi reference).

As to claims 20 and 25, Shimada teaches display apparatus is capable of being mounted on user's head (See Fig. 2, item 9, Col. 3, Lines 48-60).

As to claims 22 and 27, Shimada teaches display apparatus is capable of being mounted on user's head (See Fig. 2, item 9, Col. 3, Lines 48-60) and Yokoi et al. teaches a time setting unit adapted to set predetermined time by manual operation (See Fig. 5, items 2221, 2224, from Col. 5, Line 64 to Col. 6, Line 7).

As to claims 23 and 28, Shimada teaches wherein said display unit includes a liquid crystal display adapted to display an image, and a backlight source adapted to illuminate said liquid crystal display from behind (See Fig. 1, items 7R, 7L, 8R, 8L, Col. 3, Lines 26-47).

Response to Arguments

2. Applicant's arguments filed 09/19/06 have been fully considered but they are not persuasive:

On page 6 3rd paragraph of Remarks, Applicant's stated that the Takebe reference, therefore, has nothing to do with changing a display from a 3D to 2D display.

However, changing a display from a 3D to 2D display is disclosed by Shimada reference (See Fig. 1, items 2,4, Fig. 3, items3-4, Col. 4, Lines 30-67 in the Shimada reference). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

On page 6 last paragraph of Remarks, Applicant's stated that the Yoko et al. reference, not switched from a 3D to 2D display. However, changing a display from a 3D to 2D display is disclosed by Shimada reference (See Fig. 1, items 2,4, Fig. 3, items3-4, Col. 4, Lines 30-67 in the Shimada reference). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The same Arguments will apply to the rejection of Claim 24.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Telephone inquire


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
11.20.06



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